

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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AMINATA DUNCANSON,

Plaintiff,

No. 3:24-CV-0162  
(GTS/ML)

v.

BROOME COUNTY, Real Property Taxes,

Defendant.

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GLENN T. SUDDABY, United States District Judge<sup>1</sup>

**DECISION and ORDER**

Currently before the Court, in this *pro se* civil rights action filed by Aminata Duncanson ("Plaintiff") against Broome County ("Defendant") pursuant to 42 U.S.C. § 1983 claiming discrimination under the Fourteenth Amendment and retaliation under the First Amendment, is the Report-Recommendation of United States Magistrate Judge Miroslav Lovric recommending that the Court *sua sponte* dismiss Plaintiff's Complaint with leave to re-plead for failure to state a claim upon which relief may be granted. (Dkt. Nos. 1, 10.) Plaintiff has not objected to the Report-Recommendation, and the time to do so has expired. (*See generally* Docket Sheet.) After carefully reviewing the relevant filings in this action, the Court finds no clear error in the Report-Recommendation:<sup>2</sup> Magistrate Judge Lovric employed the proper standards, accurately

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<sup>1</sup> This case has been reassigned to the undersigned from Senior U.S. District Judge Thomas J. McAvoy, who originally presided over it.

<sup>2</sup> When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a clear error review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a clear error review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; *see also Batista v. Walker*, 94-CV-2826, 1995 WL 453299, at \*1 (S.D.N.Y. July 31, 1995)

recited the facts, and reasonably applied the law to those facts. As a result, the Court accepts and adopts the Report-Recommendation for the reasons stated therein.

**ACCORDINGLY**, it is

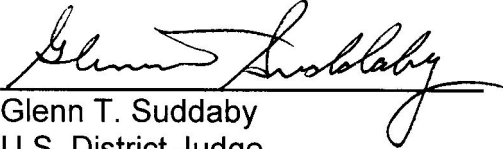
**ORDERED** that Judge Lovric's Report-Recommendation (Dkt. No. 10) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that Plaintiff's Complaint (Dkt. No. 1) **shall be DISMISSED** without further Order of the Court, **UNLESS, within THIRTY (30) DAYS** from the entry of this Decision and Order, Plaintiff files an **AMENDED COMPLAINT** correcting the pleading defects identified in the Report-Recommendation; and it is further

**ORDERED** that any such Amended Complaint must be a complete pleading, which shall supersede and replace her original Complaint in all respects, and which shall not incorporate by reference or rely on any portion of her original Complaint; and it is further

**ORDERED** that, should Plaintiff timely file such an Amended Complaint, it shall be referred to Magistrate Judge Lovric for his review.

Dated: December 3, 2024  
Syracuse, New York

  
Glenn T. Suddaby  
U.S. District Judge

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(Sotomayor, J.) (“I am permitted to adopt those sections of [a magistrate judge’s] report to which no specific objection is made, so long as those sections are not facially erroneous.”) (internal quotation marks omitted).